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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

1
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9 **Attorneys for Plaintiff**
10 **THE DESTINEY GROUP dba**
11 **UNITEX INTERNATIONAL**

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 **THE DESTINEY GROUP, INC., a**
15 **California corporation, dba UNITEX**
16 **INTERNATIONAL**
17 **Plaintiff**

18 **v.**

19 **FOREVER 21, INC., a California**
20 **corporation; and DOES 1-10, inclusive,**
21 **Defendants.**

CV10 0408

CASE NO.

GHK

(FFM)

COMPLAINT FOR:

- (1) **COPYRIGHT INFRINGEMENT**
- (2) **CONTRIBUTORY COPYRIGHT**
INFRINGEMENT
- (3) **ACCOUNTING**
- (4) **INJUNCTION**

JURY TRIAL DEMANDED

22
23
24 For its Complaint, plaintiff THE DESTINEY GROUP, INC., a California
25 corporation, doing business as UNITEX INTERNATIONAL ("Plaintiff" or
26 "UNITEX"), alleges as follows:

THE PARTIES

1
2
3 1. UNITEX is a California corporation, and in the business of designing,
4 printing and wholesale of fabrics, with its principal place of business in County of
5 Los Angeles, State of California.

6 2. Upon information and belief, defendant FOREVER 21, INC.
7 ("FOREVER 21" or "Defendant"), at all times herein mentioned was a
8 California corporation, with its principal place of business in Los Angeles,
9 California

10 3. Upon information and belief, at all times mentioned herein,
11 FOREVER 21 conducted business in the state of California and within this
12 judicial district.

13 4. The true names and capacities of defendants DOES 1-10, inclusive,
14 are unknown to Plaintiff, who therefore sues them by such fictitious names.
15 Plaintiff will seek leave to amend this complaint to allege their true names and
16 capacities when they have been ascertained. Plaintiff is informed and believes and
17 thereon alleges that each of the fictitiously named defendants is responsible in
18 some manner for the occurrences herein alleged and that Plaintiff's damages
19 herein alleged were proximately caused by those defendants.

20 5. At all times herein mentioned, defendants DOES 1-10, inclusive were
21 the agents, servants, employees or attorneys of their co-defendants, and in doing
22 the things hereinafter alleged were acting within the course and scope of their
23 authority as those agents, servants, employees, or attorneys, and with the
24 permission and consent of their co-defendants.

25 6. Plaintiff is further informed and believes and thereon alleges that
26 defendants DOES 1 through 10, inclusive, created, assembled, distributed,
27

1 manufactured and/or sold garments comprised of fabric printed with Plaintiff's
2 copyrighted Subject Design (as hereinafter defined) or that have otherwise
3 contributed to the infringement of Plaintiff's copyright Subject Design.

4
5 **JURISDICTION AND VENUE**

6 7. This action arises under the Copyright Act of 1976, Title 17 U.S.C.
7 § 101 *et seq.*, seeking damages, attorneys' fees, preliminary and permanent
8 injunctive relief and an accounting, as well as damages and other relief based upon
9 other claims related to the misappropriation of Plaintiff's intellectual property.
10 This action also contains causes of action for California's Unfair Competition
11 Law, California Business and Professions Code.

12 8. This court has federal question jurisdiction under 28 U.S.C. §§ 1331,
13 1338(a) and (b).

14 9. The Court has supplemental jurisdiction over Plaintiff's state law
15 claims pursuant to 28 U.S.C. § 1367 (a) because Plaintiff's state law claims are so
16 related to Plaintiff's copyright claims that they form part of the same case or
17 controversy.

18 10. The Court has personal jurisdiction over the Defendants because,
19 upon information and belief, they have intentionally manufactured, advertised,
20 sold and caused to be sold their infringing products in the State of California, in
21 this judicial district.

22 11. Venue in this judicial district is proper under 28 U.S.C. § 1391(c)
23 and 1400 (a) in that a substantial part of the acts or omissions giving rise to the
24 claims herein occurred within this judicial district.

1 **FACTS COMMON TO ALL CAUSES OF ACTION**

2 12. Plaintiff is in the business of creating and developing original artwork
3 of fabrics for use in garments, a time and labor intensive task. This time and labor
4 intensive process is the lifeblood of Plaintiff's business.

5 13. Plaintiff is the copyright holder and owns all right, title, and interest
6 in and to each of the designs identified below ("Subject Designs"):

7 a. Design No. 1808114 reflected in Unitex's Copyright
8 Registration number Vau 970-099; and

9 b. Design No. C-62 reflected in Unitex's Copyright Registration
10 number Vau 954-714.

11 True and correct copies of said copyright registrations are attached
12 hereto as Exhibit A .

13 14. At all relevant times, Plaintiff has duly complied with all of the
14 provisions of the Copyright laws of the United States in connection with the
15 Subject Designs.

16
17 **FIRST CAUSE OF ACTION**

18 **COPYRIGHT INFRINGEMENT**

19 **(Against All Defendants)**

20 15. Plaintiff refers to and incorporates by reference paragraphs 1 to 14
21 inclusive, of this Complaint as though fully set forth herein.

22 16. Plaintiff is informed and believes and thereon alleges that
23 Defendants, and each of them, had access to the Subject Designs.

24 17. Defendants, and each of them, infringed Plaintiff's copyrights by
25 copying the Subject Design and by producing, distributing, and selling fabric
26 and/or garments incorporating the Subject Designs without Plaintiff's consent or

1 permission.

2 18. Plaintiff is informed and believes and thereon alleges that
3 Defendants, and each of them, if not directly liable for infringement of Plaintiff's
4 copyright in the Subject designs, are vicariously liable for said infringements
5 because they had the right and ability to supervise the infringing conduct and
6 because they had a direct financial interest in the infringing conduct.

7 19. Plaintiff is informed and believes and thereon alleges that by reason
8 of Defendants' acts of copyright infringement as alleged above, Plaintiff has
9 suffered and will continue to suffer substantial damage to its business in the form
10 of diversion of trade, loss of income and profits, and dilution and destruction of
11 the value of its rights, all in amounts which are not yet fully ascertainable but
12 which are estimated to be not less than one hundred fifty thousand dollars
13 (\$150,000).

14 20. Due to Defendants' acts of infringement, Plaintiff has also suffered
15 general and special damages including, without limitation, damages resulting
16 from Plaintiff having had to investigate and analyze Defendants' infringing
17 conduct, and hiring attorneys, all in an amount to be established at trial.

18 21. Moreover, as a direct result of the acts of copyright infringement
19 alleged above by the named defendants and defendants as yet unidentified,
20 defendants, and each of them, have obtained direct and indirect profits they would
21 not otherwise have realized but for their infringement of Plaintiff's copyrighted
22 the Subject Designs. Plaintiff is entitled to disgorgement of each of defendant's
23 profits directly and indirectly attributable to said defendants' infringement of the
24 Subject Designs.

25 22. Plaintiff is informed and believes and thereon alleges that Defendants
26 and each of them knowingly and intentionally copied the Subject Designs, making
27

1 their conduct wilful and intentional and malicious, subjecting defendants and each
2 of them, to liability therefor, including statutory damages under Section 504(c)(2)
3 of the Copyright Act in the sum of one hundred fifty thousand (\$150,000) per
4 infringement. Within the time permitted by law, Plaintiff will make its election
5 between actual damages and statutory damages.

6 23. Plaintiff is informed and believes and thereon alleges that Defendants
7 continue to infringe the copyright in the Subject Design.

8
9 **SECOND CAUSE OF ACTION**
10 **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

11 **(Against All Defendants)**

12 24. Plaintiff refers to and incorporates by reference paragraphs 1 to 23
13 inclusive, of this Complaint as though fully set forth herein.

14 25. Plaintiff is informed and believes and thereon alleges that Defendants
15 knowingly induced, participated, and aided and abetted in, and profited from, the
16 copying and/or subsequent selling of garments and/or fabrics featuring the Subject
17 Designs, as alleged herein above.

18 26. By reason of Defendants' acts of contributory copyright infringement
19 as alleged above, Plaintiff has suffered and will continue to suffer substantial
20 damage to its business in the form of diversion of trade, loss of income and profits,
21 and dilution and destruction of the value of its rights, all in amounts to be
22 established at trial.

23 27. Due to Defendants' acts of contributory infringement, Plaintiff has
24 also suffered general and special damages including, without limitation, damages
25 resulting from Plaintiff having had to investigate and analyze Defendants'
26 infringing conduct, and hiring attorneys, all in an amount to be established at trial.

1 28. Moreover, as a direct result of the acts of contributory copyright
2 infringement alleged above by the named defendants and defendants as yet
3 unidentified, defendants, and each of them, have obtained direct and indirect
4 profits they would not otherwise have realized but for their infringement of
5 Plaintiff's copyrighted the Subject Designs. Plaintiff is entitled to disgorgement
6 of each of defendant's profits directly and indirectly attributable to said
7 defendants' infringement of the Subject Designs. Because of the massive scope
8 and extent of the infringement of the Subject Designs by named defendants and
9 defendants as yet unidentified, the amount of defendants' profits cannot be
10 presently ascertained or estimated.

11 29. Plaintiff is informed and believes and thereon alleges that Defendants
12 and each of them knowingly and intentionally copied the Subject Designs, making
13 their conduct wilful and intentional and malicious, subjecting defendants and each
14 of them, to liability therefor, including statutory damages under Section 504(c)(2)
15 of the Copyright Act in the sum of one hundred fifty thousand (\$150,000) per
16 infringement. Within the time permitted by law, Plaintiff will make its election
17 between actual damages and statutory damages.

18
19 **THIRD CAUSE OF ACTION**

20 **ACCOUNTING**

21 **(Against All Defendants)**

22 30. Plaintiff refers to and incorporates by reference paragraphs 1 to 29
23 inclusive, of this Complaint as though fully set forth herein.

24 31. Plaintiff is informed and believes, and thereon alleges, that, by
25 selling, advertising, and marketing infringing products, and otherwise exploiting
26 or using the Subject DesignS, or derivations thereof, Defendants have already

1 profited, and will continue to do so in the future, from unauthorized exploitation
2 of the Subject DesignS.

3 32. Since Plaintiff's damages are a direct result of the proceeds derived
4 by Defendants from the sales of the infringing products, it is necessary to obtain
5 from Defendants an accounting of the affairs in connection therewith. Plaintiff is
6 entitled to an accounting of the profits realized by Defendants as a result of the
7 exploitation of the Subject Designs, or derivations thereof.

8
9 **FOURTH CAUSE OF ACTION**

10 **INJUNCTION**

11 **(Against All Defendants)**

12 33. Plaintiff refers to and incorporates by reference paragraphs 1 to 32
13 inclusive, of this Complaint as though fully set forth herein.

14 34. As a result of Defendants' infringing conduct, the value of the
15 Subject Design, derivatives thereof, and items produced therefrom, has been
16 diminished.

17 35. Plaintiff is informed and believes, and thereon alleges that the public
18 mistakenly believes that Plaintiff and/or its customers are associated with
19 Defendants. Accordingly, Defendants' copying of the Subject Designs and
20 exploitations thereof, undermines Plaintiff's reputation and reduces the demand
21 for all of its works and designs.

22 36. Plaintiff has suffered irreparable damage to its reputation, goodwill
23 and the value in and to its designs and products made therefrom, for which there
24 is no remedy at law. Accordingly, Plaintiff seeks a preliminary and permanent
25 injunction to prevent further infringement of the Subject Designs, and any
26 derivations thereof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

1. That Defendants, and each of them, and their respective agents and servants be enjoined from infringing Plaintiff's copyright in any manner;
2. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at trial, or, if elected before final judgment, statutory damages as available under the Copyright Act;
3. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act;
4. That Defendants be compelled to account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement;
5. That Plaintiff be awarded pre-judgment interest as allowed by law;
6. For costs of suit incurred herein; and,
7. For any such other and further relief as this court may be just and proper.

DATED: January 19, 2010

KOHAN LAW FIRM

By:


K. TOM KOHAN
Attorney for Plaintiff
THE DESTINEY GROUP dba
UNITEX INTERNATIONAL

DEMAND FOR JURY TRIAL

Plaintiff hereby requests trial by jury on all claims asserted, as provided by Rule 38 of the Federal Rules of Civil Procedure.

DATED: January 19, 2010

KOHAN LAW FIRM

By:


K. TOM KOHAN
Attorney for Plaintiff
THE DESTINEY GROUP dba

UNITEX INTERNATIONAL

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VAu 970-099

Effective date of
registration:

May 7, 2008

Title _____

Title of Work: Overlap-0501-01

Previous or Alternative Title: 1808114, 1808115, 1808118, 1808125

Completion/ Publication _____

Year of Completion: 2008

Author _____

■ Author: Unitex International employer for hire of Janice Kim

Author Created: 2-Dimensional artwork

Work made for hire: No

Citizen of: United States

Year Born: 1964

Copyright claimant _____

Copyright Claimant: Unitex International employer for hire of Janice Kim

4800 District Blvd., Vernon, CA 90058

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: Janice Kim

Date: May 2, 2008

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:
V Au 954-714

Effective date of
registration:
October 5, 2007

Title _____

Title of Work: Ethnic Flower Borders

Previous or Alternative Title: P-8, C-34, C-62, GG23

Completion/ Publication _____

Year of Completion: 2007

Author _____

■ Author: Unitex International Employer for hire of Janice Kim

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Citizen of: United States

Year Born: 1964

Copyright claimant _____

Copyright Claimant: Unitex International

4800 District Blvd., Vernon, CA, 90058

Limitation of copyright claim _____

Previously registered: No

Certification _____

Name: Janice Kim

Date: September 24, 2007

Correspondence: Yes

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV10 - 408 GHK (FFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

K. TOM KOHAN (SBN 225420)
KOHAN LAW FIRM
445 S. FIGUEROA STREET, 27TH FLOOR
LOS ANGELES, CA 90071
TEL: 310-349-1111 FAX: 213-612-7715
EMAIL: tom@kohanlawfirm.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE DESTINEY GROUP, INC., a California
corporation, dba UNITEX INTERNATIONAL

PLAINTIFF(S)

v.

FOREVER 21, INC., a California corporation; and
DOES 1-10, inclusive

DEFENDANT(S).

CASE NUMBER

CV10 0408

GHK (FFM)

SUMMONS

TO: DEFENDANT(S): FOREVER 21, INC., a California corporation; and DOES 1-10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, K. TOM KOHAN, ESQ., whose address is 445 S. FIGUEROA STREET, 27TH FLOOR, LOS ANGELES, CA 90071. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

JAN 20 2010

Dated: _____

By: _____

Deputy Clerk

(Seal of the Court)

CHRISTOPHER POWERS

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
THE DESTINEY GROUP, INC., a California corporation, dba UNITEK
INTERNATIONAL

DEFENDANTS
FOREVER 21, INC., a California corporation

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

K. TOM KOHAN (SBN 225420)
445 S. FIGUEROA STREET, 27TH FLOOR, LOS ANGELES, CA 90071
TEL: 310-349-1111 FAX: 213-612-7715 EMAIL: tom@kohanlawfirm.com

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ TBD

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee			FEDERAL TAX SUITS
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

CV10 0408

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involvedX. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____ Date 1/19/2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))